

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Kevin J. Dowling et al.
Serial No: 09/989,677
Confirmation No: 9718
Filed: November 20, 2001
For: INFORMATION SYSTEMS
Examiner: Haissa Philogene
Art Unit: 2821

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 26 day of October, 2004.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO OFFICE ACTION

In response to the Office Action mailed July 27, 2004 in the above-identified application, Applicants respectfully request reconsideration.

Preliminarily, Applicants note with appreciation that claims 6-14, 18-20, 39-47 and 51-53 are allowed, and that claims 5 and 38 are deemed to recite allowable subject matter.

Regarding the remaining pending claims 1-4 and 34-37 (of which claims 1 and 34 are independent claims), these claims are rejected based on double patenting issues.

In particular, claim 1 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of co-pending application No. 09/989,747. Applicants enclose herewith a copy of a response dated August 3, 2004 to an office action in application No. 09/989,747, in which claim 1 of that application was cancelled. In view of the foregoing, the rejection of claim 1 of the present application should be withdrawn.

Claim 34 of the present application is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable

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over claim 1 of co-pending application No. 09/989,747. In view of the cancellation of claim 1 of co-pending application No. 09/989,747, this rejection should be withdrawn.

Claims 2-4 and 35-37 depend from one of claims 1 and 34 and are allowable based at least upon their dependency.

Information Disclosure Statements

Applicants note that initialed copies of Forms-1449 for the Information Disclosure Statements listed below have not yet been received by the Applicants representatives. The Examiner is respectfully requested to provide these initialed copies in return correspondence from the Office:

- IDS dated 4/15/02, first listed reference to Motooka
- IDS dated 3/14/03, first listed reference to Chliwnyj
- IDS dated 7/14/04, first listed reference to Kazar

Copies of the above-listed IDSs and Forms-1449, with stamped post cards indicating receipt by the USPTO, are attached hereto for the Examiner's reference.

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CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
Kevin J. Dowling et al., Applicants

By: 

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Docket No: C01104/70095
Date: October 26, 2004



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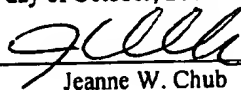
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Jeanne W. Chub

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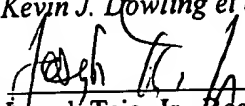
Sir:

Transmitted herewith are the following documents:

- ☒ Response to Office Action
- ☒ Copy of Information Disclosure Statement dated 4/15/02 and Stamped Postcard
- ☒ Copy of Information Disclosure Statement dated 3/14/03 and Stamped Postcard
- ☒ Copy of Information Disclosure Statement dated 7/14/04 and Stamped Postcard
- ☒ Copy of Response to Office Action dated August 3, 2004
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000. A duplicate of this sheet is enclosed.

Respectfully submitted,
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October 26 2004